



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,315	10/17/2003	Young Hwan Jeoung	DU878SUS	9448

22203 7590 01/13/2005  
KUSNER & JAFFE  
HIGHLAND PLACE SUITE 310  
6151 WILSON MILLS ROAD  
HIGHLAND HEIGHTS, OH 44143

EXAMINER

CHIN, PAUL T

ART UNIT PAPER NUMBER

3652

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/688,315

Applicant(s)

JEOUNG, YOUNG HWAN

Examiner

PAUL T. CHIN

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Applicant's amendment filed October 18, 2004, and the arguments presented therewith, with respect to Martinez (3,132,887), Shoup (4,123,098), and Buchanan, Jr. (4,088,359), have been carefully considered and they are persuasive. Therefore, the previous rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Girimont (5,236,236), Spriggs (3,177,874) in view of Shoup (4,123,098) (see PTO-892), or Martinez (3,132,887) in view of Spriggs (3,177,874) or Girimont (5,236,236). Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Girimont (5,236,236). Girimont (5,236,236) discloses an apparatus (11) for handling a contact lens (28) comprising a handle portion (22) to be gripped by fingers, a connection portion (20) (Figs. 5) formed unity with the handle portion, a contact lens attaching portion (18) having a substantially hemisphere-like shape (see Figs. 14a, 14b) having an upper concave face, and a bottom convex face (see Figs. 1-5, 14a, 14b, 14k, 14l), the attaching portion having a through hole (Fig. 6) formed therethrough at the center and an opening portion (26) (Fig. 6) formed in a side of the hemisphere that has a hole formed therethrough wherein the contact lens attaching portion is attached to the contact lens.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spriggs (3,177,874) in view of Shoup (4,123,098) (see PTO-892 mailed on July 14, 2004).

Spriggs (3,177,874) discloses an apparatus for handling a contact lens (20) comprising a handle portion (10) to be gripped by fingers, a connection portion (12) (Figs. 1) formed unity with the handle portion, a contact lens attaching portion (24) (Fig. 2) having a cup shape (Col 2, lines 7-14) having an upper face, and a bottom face (see Fig. 2), the attaching portion having a through hole (Fig. 2) formed therethrough at the center (see Fig. 2) and an opening portion (22) (Fig. 2) formed in a side of the cup-shape portion that has a hole formed therethrough wherein the contact lens attaching portion is attached to the contact lens. Spriggs (3,177,874) does not clearly show a *hemisphere-shape contact lens attaching portion*. However, Shoup (4,123,098) discloses a *hemisphere-shape contact lens attaching portion* (22) to grip a contact lens dipped in a liquid of a container (36). Accordingly, it would have been obvious design choice to provide a *hemisphere-shape contact lens attaching portion* (instead of cup-shaped) on the Spriggs (3,177,874) as taught by Shoup (4,123,098) to firmly grip or handle a contact lens.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez (3,132,887) (see PTO-892 mailed on July 14, 2004) in view of Spriggs (3,177,874) or Girimont (5,236,236).

Art Unit: 3652

Martinez (3,132,887) discloses an apparatus for handling a contact lens (P) comprising a handle portion (12) to be gripped by a finger or fingers, a connection portion (14) (Fig. 1) formed unity with the handle portion, a contact lens attaching portion (16) (Fig. 2) having a hemisphere shape having a concave upper face, and a bottom convex face (see Fig. 2), the attaching portion having a through hole (20) formed therethrough at the center (see Fig. 2). Martinez (3,132,887) does not show an opening portion formed in a side of the hemisphere shape portion that has a hole formed therethrough.

However, Girimont (5,236,236), as presented in section 3 above, discloses an opening portion (26) (Fig. 6) formed in a side of the hemisphere that has a hole formed therethrough. Spriggs (3,177,874), as presented in section 5 above, also discloses an opening portion (22) (Fig. 2) formed in a side of the cup-shape portion that has a hole formed therethrough. Accordingly, it would have been obvious design choice to provide an opening portion or a hole to be formed in a side of the hemisphere (16) of Martinez (3,132,887) as taught by Spriggs (3,177,874) or Girimont (5,236,236) in order to let some of the liquid from the gripped contact lens escape through the side opening or hole.

### ***Response to Arguments***

7. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The France Patent (FR 2626159) shows a handle and split gripping portions.

9. Applicant's amendment (the addition of new limitations in claim 1) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE**

Art Unit: 3652

**FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*ptc*  
PTC  
January 6, 2005

  
EILEEN D. LILLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600